



Federal Communications Commission
Washington, D.C. 20554

November 23, 2012

Mr. Marvin Rohrs
164 Dorchester Drive
Sellersville, PA 18960

RE: FCC # IC 12-C00397636 (CBS)

Dear Mr. Rohrs,

This letter is in reference to the informal complaint, referenced above, that you filed with the Federal Communications Commission (Commission). A copy of your complaint is enclosed. The complaint implicates the Commission's rules requiring closed captioning. See Section 713 of the Act, 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1 *et seq.* Pursuant to the informal complaint process set forth in section 79.1 (g) of the Commission forwarded your informal complaint to the company named in the complaint, along with a Notice of Informal Complaint (NOIC). The NOIC instructed the company to file a response within 30 days of the date of the NOIC, and to send you a copy their response.

We have reviewed the informal complaint, the company's response and supporting evidence if warranted, and other information relevant to the claims made in the complaint. Based on the record, we find that the concerns you raised in your complaint have been addressed and, consistent with the complaint provisions of section 79.1 (g), no further action is required by the Commission. If you are still experiencing captioning problems, please file a new informal complaint using FCC Form 2000C an on-line complaint form found at the web site: www.fcc.gov/cgb/complaints.html. Please include detailed information e.g., the specific movie titles, dates and times.

Under the 21st Century Communications and Video Accessibility Act, there is a provision to improve user interfaces so consumers can access captions more easily. The Commission is in the process of drafting these rules. To stay informed about this and other disability issues, you may subscribe to a listserve provided by the Disability Rights Office. To do so send an email to Accessinfo@fcc.gov with the word "subscribe" in the subject line.

If you have any questions about this matter, please do not hesitate to write us at 445 12th Street, SW, Washington, D.C. 20554, or call us at 1-888-CALL-FCC (1-888-225-5322). TTY users may dial 1-888-835-5322.

Sincerely,

A handwritten signature in cursive script that reads "Susan Kimmel".

Susan Kimmel, Deputy Chief
Disability Rights Office
Consumer & Governmental Affairs Bureau

Encl.



CBS
51 WEST 62 STREET
NEW YORK, NEW YORK 10019-6188

(212) 975-3888
FAX: (212) 975-0117
nepos89r@cbs.com

NICHOLAS E. POSER
VICE PRESIDENT
ASSISTANT GENERAL COUNSEL

BY UPS AND ELECTRONIC MAIL

Ms. Susan L. Kimmel
Deputy Chief
Disability Rights Office
Consumer & Governmental Affairs Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Informal Complaint (NOIC) – 12-C00397636-1, CBS
Headquarters (Rohrs)

Dear Ms. Kimmel:

October 5, 2012

This letter is submitted on behalf of CBS Broadcasting Inc. ("CBS") and CBS owned station KYW-TV, Philadelphia ("KYW" or the "Station") in response to the above captioned Notice of Informal Complaint, relating to a complaint filed with the Commission by Marvin Rohrs. Mr. Rohrs alleges that he was watching a two-hour "Jesse Stone" movie broadcast by the CBS Television Network ("CTN") on CBS owned station KYW-TV on May 20, 2012 from 9 to 11 PM and that, "[c]losed captioning was totally useless." Mr. Rohrs provides no further information.¹

CTN and KYW broadcast the Jesse Stone movie with closed captions provided by one of the Network's regular closed caption vendors, WGBH Media Access Group ("MAG"). CTN and CBS owned stations utilize the Volicon Observer system, one of the broadcast industry standard products for video monitoring and logging. CBS has reviewed the KYW Volicon archival copy of its signal for the program referenced in the complaint, as well as the Volicon copy of the program archived for WCBS-TV, New York. Both Volicon copies show that * closed captions were displayed for the program complained of by Mr. Rohr.

Additionally, KYW Master Control operators have a full-time, large display of decoded caption data directly in front of their operating position. If a CBS Network feed was received at KYW with major captioning issues, Master

¹ The material CBS received from the Commission regarding this NOIC did not include Mr. Rohrs' address, so CBS is unable to send a copy of this response to him.

Ms. Susan L. Kimmel
October 5, 2012
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Control would have made an immediate call to KYW Engineering for assistance. KYW's Chief Engineer reviewed the shift report of the KYW engineer on duty during the May 20 broadcast in question and states that there is no indication that any captioning issues were reported. KYW's Chief Engineer also reviewed the station's Operating Log of that date for any technical issues with transmission, and found none were noted.

CBS has been able to document a minor problem with captioning that lasted approximately two minutes during the two-hour movie. This minor issue arose because of a failure to follow CBS mandated protocols by MAG, which was also CBS's caption vendor for the CBS program 60 MINUTES, which had aired earlier the same evening.

The captioning error caused by MAG was as follows: At approximately one hour into the movie, the Jesse Stone movie captioning was interrupted with an on screen captioned note saying, "Captioning is Funded by CBS and Ford." Captioning then continued to appear on screen, but was unrelated to the Jesse Stone movie; rather it was captioning relating to the CTN program 60 MINUTES which also aired on the same evening. Captions for 60 MINUTES continued to appear for approximately one minute, and captioning for the Jesse Stone movie returned approximately one minute after the 60 Minutes captions ended.

In a letter to CBS, MAG explained its error as follows:

Following the East feed of 60 Minutes, MAG disconnected from iCap 6605. In setting up for the subsequent PACNET feed, MAG mistakenly reconnected to iCap 6605, rather than the assigned 6607. We were simultaneously dialed into the Net 07 encoder modem which sent captions for the PACNET 60 Minutes to another program. This resulted in incorrect captions for 1 minute and 50 seconds.

This is a case of operator error, precipitated by the tight turnaround between feeds.

See September 20, 2012 Letter of Alison Godburn, Director, Media Access Group WGBH Educational Foundation to Mark Turits, Vice President, Captioning and Video Description, CBS Television Network, attached hereto.

In other words, because of the MAG operator's error in reopening the captioning "pipeline" to CBS's east coast feed as MAG began to supply captions for the west coast feed of 60 Minutes, MAG caused a short disruption of captions for the Jesse Stone movie east coast feed.

Ms. Susan L. Kimmel
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It is CTN's standard operating procedure to have each of its captioning agencies "check in" to their assigned CBS live captioning encoder unit prior to the time their feed is scheduled to begin, by requiring them to call CBS Air Control before the first live captions are transmitted to air. Since learning of the MAG error relating to the Jesse Stone movie, CBS has instituted an added step to the process, requiring those captioning agencies that connect to a live captioning encoder to call CBS Air Control at the end of their assigned feed to confirm they have "checked out" and disconnected from the encoder. CBS believes that the addition of an encoder check out procedure will reduce the possibility of this type of captioning irregularity recurring.

MAG has also taken an additional step to avoid recurrence of this issue. As stated in its September 20 letter to CBS:

While it is standard procedure for MAG broadcast coordinators to indicate on each program checklist that they have disconnected from CBS resources, we have added an additional step that the MAG shift supervisor verifies this for every program.

In summary, both CBS and MAG have taken steps to reduce the possibility of recurrence of the minor, documented captioning error committed by MAG on May 20.

In reviewing the KYW Volicon archival copy of the program, we have noted sporadic lapses in the closed captions in addition to the MAG-caused issue noted above. See attached DVD, a recording of the KYW broadcast of the program, as preserved by KYW's Volicon archival system. While Mr. Rohrs' characterization of the closed captioning of the program as "useless" is not accurate, CBS, nevertheless, has made concerted efforts since receiving the NOIC to ascertain the cause of these captioning lapses.

We have been able to eliminate the Network signal as a possible source of any problem, as review of the WCBS-TV Volicon copy shows proper closed captions throughout the program (with the exception of the short MAG-created error). CBS has considered the possibility that MAG's failure to check out of the encoder might have caused a problem for KYW, but if this were the case the WCBS Volicon copy would have reflected the same lapses, and it did not.

It is entirely possible that the lapses reflected in the KYW Volicon copy of the program were not contained in the KYW broadcast signal of the program, but rather are merely an artifact of the processing of KYW's signal for archiving by the KYW Volicon system. As described by KYW's Chief Engineer, after reception, KYW's HD signal goes through four major processing steps before archiving. These steps reduce the file size of the archive recording to the

minimum possible size. The Station's Volicon system was configured to provide long term, low quality recording of program audio and video sufficient to determine the content of a given program. While it does record and extract caption data, it is not possible to state whether the system accurately reflects the quality of the captions contained in the original Station broadcast signal. Any of the four processing steps could cause momentary losses of caption data seen on the DVD recording, which may not have been experienced by the viewing public.

The picture and audio quality on the KYW Volicon archived copy of the program is clearly not representative of the technical quality of KYW's signal as seen by the viewer. Caption data is also a technical component of the signal and is subject to a similar reduction in quality in the archiving process. We note that KYW has plans to upgrade and replace parts of its Volicon system,² and expects to be able to record an archival program copy of substantially higher quality in the coming year.³ When this upgrade occurs, the Station will be in a position to preserve an archived copy of its programming that more accurately reflects the true quality of its broadcast signal.

In light of the issues described above, despite its concerted efforts, CBS is unable to state whether the sporadic captioning lapses seen on the attached DVD were seen by viewers of KYW's broadcast signal or are the product of the processes through which KYW's signal is archived. In any case, the Station clearly broadcast the program with closed captions, even if imperfect, and was not in violation of the Commission's captioning rules.

Sincerely yours,

Nicholas E. Rosen

NEP/#85283

² WCBS-TV already has an upgraded Volicon system, which may explain why the full captions appear in its archived copy of the program, while lapses appear in KYW's Volicon copy.

³ The limitations in the KYW's current Volicon system are also demonstrated by the fact that the archived version of the program contained on the DVD submitted herewith does not contain the normal dialogue audio from the movie. According to KYW personnel, the KYW Volicon recording system does not have the ability to record full 5.1 audio. Since the Jesse Stone movie was produced with 5.1 audio, the dialogue track is on a center channel, and the Station's Volicon system only records left and right audio. Although audio played normally in KYW's broadcast signal on May 20, the main audio for the movie does not appear on the DVD.

**Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, S.W.
Washington, D.C. 20554**

**OFFICIAL
NOTICE OF INFORMAL COMPLAINT**

**August 29, 2012
(Rohrs) (CBS Headquarters)
FCC Case No. 12-C00397636-1**

Attached is a copy of an informal complaint naming your company that was recently filed with the Disability Rights Office (DRO) of the Federal Communications Commission. Pursuant to Section 713 of the Communications Act of 1934, as amended (the "Act"), 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1, we direct your company to respond to the complaint. **Your response is due within thirty (30) days of the date of this Notice.**

Your company, as the Multichannel Video Programming Distributor (MVPD), must respond specifically to each matter raised in the complaint and summarize the actions that it has taken to satisfy each such matter. If the programming at issue is reaching you without captions, in responding to the complaint, you have the responsibility to check with the supplying network or program producer before responding to determine that either the material is exempt from the captioning requirements pursuant to one of the categorical exemptions in 47 CFR §79.1(d) or pursuant to an individual petition for exemption filed under 47 CFR §79.1(f).

Please provide the complainant's name and the complaint number at the top of your response. A company that receives and responds to informal complaints electronically must submit its responses to the Commission via the FCC website using its DRO log-in. If your company does not receive and respond to informal complaints electronically via the FCC website, you must file a hard copy of your response with the Disability Rights Office of the Federal Communications Commission at 445 12th St., SW, Washington, D.C. 20554. To expedite processing, please also send a courtesy electronic copy of the response to DROinquiries&complaints@fcc.gov.

You are further directed to send a copy of your response to the complainant at the time that you forward the response to the Commission. To ensure that your response is received by the complainant in an accessible format, please send it pursuant to the preferred format or method of response indicated by the complainant on the complaint form. Finally, your company is directed to retain all records that are or may be pertinent to the allegations raised in each complaint until final Commission disposition of the complaint at issue.

A failure to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Act, 47 U.S.C. § 409(m). Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provides for the imposition by the Commission of forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order.

If you have any questions regarding this Notice, please call the DRO inquiries and complaints assistance line at 202-418-7020 or write to DROinquiries&complaints@fcc.gov. To ensure that we can adequately respond to your inquiry, please provide the names of the complainant and your company, the complaint number, and the specific questions that you would like to have answered.

Sincerely,



Susan L. Kimmel, Deputy Chief
Disability Rights Office
Consumer and Governmental Affairs Bureau

send
customer
a email
of status

Solita Griffis

From: Kennicutt, Deidre (DEEDEE) [deidre.kennicutt@verizon.com]
Sent: Friday, July 27, 2012 4:11 PM
To: 'rohrsno@gmail.com'
Cc: Wright, Bradley W (BRAD); Susan Kimmel; Solita Griffis
Subject: FiOS TV Closed Caption Complaint 12-C00397636-1



June 27, 2012

Mr. Marvin Rohrs
164 Dorchester Drive
Sellersville, PA 18960

Delivery via E-mail: rohrsno@gmail.com

Dear Mr. Rohrs:

Reference: FiOS TV Closed Caption Complaint 12-C00397636-1

I am responding to your complaint regarding the closed captioning that displayed short sentences and phrases, then disappears which happened during a two hour period on May 20, 2012 at 9:00 p.m. on KYW and CBS, Channel 3.

Verizon has investigated the issue and determined that there were no technical issues with the Verizon closed captioning service on the channel at the time that you referenced in your complaint. FiOS TV was delivering the closed captioning as provided to us by the content provider. We are not permitted to alter the closed captioning signal that is delivered to Verizon. We pass all closed captioning through to our subscribers as it is delivered to us by the various content providers
Verizon will continue to monitor that channel.

If you require immediate assistance with your closed captioning services, please contact our Fiber Solutions Center at (888)553-1555. Our technical support is waiting to assist you 24 hours a day/ seven days a week.

Very truly yours,

DeeDee Kennicutt
Section Manager, Verizon

7/27/2012

2515

United States Government
Federal Communications Commission
Consumer & Governmental Affairs Bureau
Disability Rights Office
445 12th Street, SW
Washington, D.C. 20554

OFFICIAL
NOTICE OF INFORMAL COMPLAINT

Date: June 27, 2012

In reply refer to case number: 12-C00397636-SG
Verizon (Rohr)

THE COMPANY IDENTIFIED IN THE ATTACHED COMPLAINT IS REQUIRED TO RESPOND TO THIS NOTICE OF INFORMAL COMPLAINT WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Failure of any person to answer any lawful Commission inquiry is considered a misdemeanor punishable by a fine under Section 409(m) of the Communications Act (Act), 47 U.S.C. § 409(m). Further, failure to comply with any order of the Commission can result in prosecution under Section 401(b) of the Act, 47 U.S.C. § 401(b). Section 501 of the Act, 47 U.S.C. § 501, and Section 503(b)(1)(B) of the Act, 47 U.S.C. § 503(b)(1)(B), provide for forfeiture penalties against any person who willfully fails to follow the directives of the Act or of a Commission order. The Commission can impose forfeiture penalties of up to \$1.2 million for certain types of violations.

The attached complaint was filed with the Commission pursuant to Section 713 of the Act, 47 U.S.C. § 613, and Section 79.1 of the Commission's Rules, 47 C.F.R. § 79.1. A letter acknowledging your company's receipt of this Notice and of the enclosed complaint should be sent to each consumer Complainant as soon as your company receives this Notice. Pursuant to Sections 713 and 4(i) of the Act, 47 U.S.C. §§ 613, 154(i), and Section 79.1(g) of the Commission's Rules, 47 C.F.R. § 79.1(g), we are forwarding a copy of the complaint so that your company may satisfy or answer the complaint based on a thorough review of all relevant records and other information. Your company should respond specifically to all material allegations raised in each complaint and summarize the actions taken by your company to satisfy the complaint.

Written responses must be filed with the Commission at 445 12th St., SW, Washington, D.C. 20554. A separate response should be filed for each individual complaint. Each response should include: (1) the Complainant's name, and (2) the Case number. Companies are directed to send copies of their responses to the complainant at the same time their responses are forwarded to the Commission.

Due to heightened security measures undertaken in Washington, D.C., and at this agency, you should also send an electronic copy of the response letter to Susan.Kimmel@fcc.gov AND to Solita.Griffis@fcc.gov. Companies are directed to send copies of their responses to consumers at the same time their responses are forwarded to the Commission. Each company required to respond to this Notice is directed to retain all records until final Commission disposition of the complaints. If you have any questions regarding this Notice, please call or email Solita Griffis at (202) 418-0287 or Solita.Griffis@fcc.gov, and leave a detailed message specifying the calling company name, the Case number, and the specific questions that you would like to have answered.

Sincerely,



Susan L. Kimmel, Deputy Chief
Disability Rights Office
Consumer Governmental Bureau

Encl.



Admin 2000 [Switch to Admin1088]

soltra.griffis [CAM] Logout

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Form 2000C (Disability Access Complaint) : 12-C00397636-1

[User Form](#)
[Admin Comments](#)
[Serve Review](#)
[Serve Process](#)
[File Attachments](#)
[Letters](#)
[Show All](#)
[Sub Complaints\(0\)](#)
[Print Form](#)
[Email Factsheet\(s\)](#)

USER FORM

User Complaint Number: 12-C00397636

Complaint Source: Web

Submission date: 05/21/2012

[Consumer Party History](#)
[Consumer History](#)
[Form History](#)
[Edit Form](#)

User Complaint Key: 12-C00397636-1

Added User: Consumer

CONSUMER'S INFORMATION

First Name: Marvin

Last Name: Rohrs

Company Name:

(Complete only if you are filing this complaint on behalf of a company or an organization.)

PO Box:

Address1: 164 Dorchester Drive

Address2:

City: Sellersville State: PA

Zip Code: 18960

Telephone Number(Residential or Business): (215) 257-7376 Ext:

E-mail Address: rohrrsmo@gmail.com

Are you filing information on behalf of another party, such as client, parent, spouse or roommate? No
if yes, complete items a through h.

Your relationship with the party:

The party's first name:

The party's last name:

The party's daytime phone number: () - Ext:

The party's street address or post office box number:

City: State: Zip Code:

E-mail Address:

Fax Number: () -

IMPORTANT: Please indicate the preferred format or method of response to the complaint by the Commission and defendant:

- ☒ Letter
 ☐ Facsimile (fax)
 ☐ Telephone Voice
☐ TRS (designate form of TRS and appropriate contact information)
☐ TTY
 ☒ Internet E-mail
 ☐ ASCII Text
 ☐ Audio-Cassette Recording
 ☐ Braille

FORM 2000C:

1. Check the appropriate box for your type of complaint:

- ☐ Telecommunications Relay Service (TRS) (i.e., TTY-based, IP Relay, CapTel, IP CapTel, Speech-to-Speech, Video Relay Service (VRS))
☐ Accessibility of emergency information on television
☒ Closed Captioning
☐ Wireless telephone equipment or service (includes hearing aid compatibility and other accessibility issues)
☐ Wire line telephone equipment or service (includes hearing aid compatibility and other accessibility issues)

2. Provide the name, address and telephone number (if known) of the company(s) involved in your complaint:

Name: TV station KYW, Channel 3, CBS

City: Philadelphia State: PA Zip Code:

Telephone number: () -

3. If your complaint is about accessibility of telecommunications services or equipment, provide the make and model number of the equipment or device that this complaint is about:

4. If your complaint is about closed captioning or emergency information on television,

provide the date (mm/dd/yyyy) 05/20/2012 Time: 09:11 PM and any details of when the event or action you are complaining about occurred: This was a 2 hour movie from 9 to 11 PM. Closed Captioning was totally useless. Please see number 6, below.

5. If your complaint is about access to emergency information on television, provide the following information:

- a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"):
- b. Channel (e.g., "13"):
- c. Station or subscription TV provider system location:

City: County: State:

d. Date(s) and time(s) of emergency: and time

e.

Detailed description of the emergency (i.e., flood, hurricane, tornado, etc., as well as the areas in which the emergency occurred):

6. If your complaint is about closed captioning, provide the following:

a. Television station call sign and network name (if applicable), or channel name (e.g., "WZUF, CBC," "WZUE-TV," "Sportingchannel West"): **KYW, CBS**

b. Channel (e.g., "13"): **3**

c. Station or subscription TV provider system location:

City: **Philadelphia** County: **Philadelphia** State: **PA**

d. If you pay to receive television programming, type of subscription service (e.g., cable, satellite): **cable**

e. If you pay to receive television programming, name of company to whom you subscribe: **Verizon**

f. Name of program(s) involved: **Jesse Stone Movie**

7. Briefly describe your complaint and include the resolution you are seeking. If applicable, provide a full description of the telecommunications equipment or customer premises equipment (CPE) and/or the telecommunications service about which the complaint is made, and the date or dates on which the complaint either purchased, acquired or used, or attempted to purchase, acquire or use the telecommunications equipment, CPE or telecommunications service about which the complaint is being made. This was a 2 hr movie on 05-20-2012, 9-11 PM. CC was totally useless and frustrating to watch for the full movie. CC was displayed as short phrases or short sentences for just a few seconds each before disappearing -- not enough time to read, it was NOT directly related to the speed of the dialog because there were blank intervals between the phrases. The last phrase of a dialog sequence would remain on the screen for awhile. CC on commercials was normal and O.K. THIS WAS A REPEAT OF THE IDENTICAL PROBLEM that existed a few years ago on most, if not all, of the Channel 3 evening prime time shows. At that time I discussed it with a station manager and he agreed to "look into it" but it continued for awhile before stopping. It may have taken awhile because CC was already embedded into programs and could not be changed. The problem may be related to the CC programmer used because even the type face was a different size on a different background. I can provide a recording of it.